

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3438 of 2015**

Hirendra Kumar Sahu, S/o Tulsiram Sahu, aged about 28 years,
R/o Village – Bamnihbatha, Thana-Dongargaon, Distt.
Rajnandgaon (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: Thana-Dongargaon, Distt.
Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	Shri Samir Singh, Advocate.
For Respondent/State:	Shri Suvigya Awasthy, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/07/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.267/2014 (wrongly mentioned in order sheet as 267/15) registered at Police Station – Dongargaon, Distt. Rajnandgaon for the offence punishable under Section 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 12.08.2014 applicant committed sexual intercourse with the prosecutrix against her will and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that the prosecutrix is a major

girl and she is consenting party to act of the applicant; and the applicant has already married with the prosecutrix on 9.2.2015 and they lived together as husband and wife. He further submits that applicant is in jail since 11.06.2015; and the charge sheet has already been filed; no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State, by referring the statements of the prosecutrix recorded under Sections 161 & 164 of the Code of Criminal Procedure, would submit that it is a case of rape by the present applicant and thereafter, applicant ran away with clothes of the prosecutrix and, therefore, he should not be released on bail.

(5) Taking into consideration the facts & circumstances of the case and further taking into consideration the nature and gravity of offence; the considering the statement of the prosecutrix recorded under Sections 161 & 164 Cr.P.C.; and the manner in which the offence is said to have been committed, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-